

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MARTIN GOTTESFELD,
Defendant.

Crim. No. 16-CR-10305-NMG

**MOTION FOR EXTENSION OF TIME TO RESPOND
AND TO OBTAIN UNREDACTED PLEADINGS**

The United States of America, by its undersigned Assistant United States Attorney, respectfully requests that the Court allow it an additional 45 days to file a response to defendant Martin Gottesfeld's Motion to Vacate, and that it direct the Clerk of Court to provide an unredacted copy of defendant Gottesfeld's pleadings to counsel for the United States. As grounds therefore, the United States submits as follows:

1. On October 2, 2023, Gottesfeld filed a motion to vacate pursuant to 28 U.S.C. § 2255 ("the Motion", Docket No. 457). Across 128 pages, the Motion alleges nine grounds in support of the relief it requests, including a claim that Gottesfeld received ineffective assistance of counsel. The ECF-filed version of the Motion is redacted. *See* ¶¶ 234-37 & nn. 191 & 203. Gottesfeld filed a motion to seal portions of the Motion, which the Court allowed on or about October 4, 2023 (Docket No. 459).

2. At or about the time he filed the Motion, Gottesfeld or a representative delivered electronic media to the U.S. Attorney's Office that were meant to contain the unredacted version of the Motion and its attachments, but did not.

3. Counsel for the government respectfully requests that the Clerk of Court provide an unredacted copy of the Motion in order that the government may assess its contents and respond as the Court has ordered.

4. Given the length of the Motion and the number of issues it raises—including a claim of ineffective assistance of counsel that may necessitate communications between the government and Gottesfeld’s former attorney about the representation, and the need to seek an order waiving the attorney-client privilege with respect to Gottesfeld’s claims of ineffective assistance, *see United States v. Scott*, 450 F. Supp.3d 82 (D. Mass. 2020)—the government respectfully requests an additional period of 45 days to respond to the Motion. The government will file within 21 days any needed motions with respect to the attorney-client privilege issue.

5. The government accordingly requests that it be permitted to respond to the Motion on or before December 8, 2023, and that the Court direct the Clerk of Court to provide to the government an unredacted copy of the Motion and its attachments.

Respectfully submitted,
JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Seth B. Kosto
SETH B. KOSTO
Assistant U.S. Attorney

Date: October 23, 2023

Certificate of Service

I hereby certify that, on or about this date, this document will be sent by U.S. mail to Gottesfeld's address of record with the Court.

/s/ Seth B. Kosto
Seth B. Kosto
Assistant U.S. Attorney

Date: October 23, 2023